



Recent Status & Progress of Article 14 of the Maputo Protocol in Namibia

When did Namibia sign and ratify the Maputo Protocol, and what impact has it had on women's rights?



Signed 9 December 2003
Ratified 11 August 2004



The Protocol very clearly outlines the rights of women and girls in Namibia, but hasn't yet been effectively used by those seeking to claim their rights.

Since 2020, what has been done to encourage the state to implement the commitments made in the Maputo Protocol?

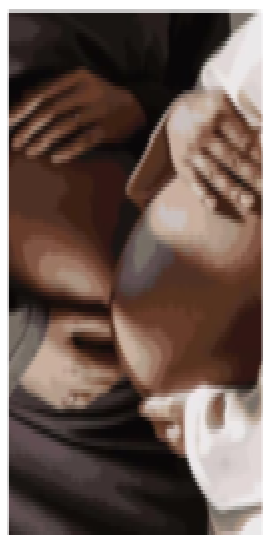
Between June and September 2020, many Namibians demanded better access to abortion, especially after Covid-19 restrictions created shortages of contraception. A petition to #LegalizeAbortionNA was signed more than 60,000 times in support of the movement. Since then, the government has held public hearings on abortion across the country in order to better understand public opinion.


How do ratified policies like the Maputo Protocol affect domestic law in Namibia?

Article 144 of Namibia's Constitution of Namibia says that ratified policies form part of domestic law, as long as they don't contradict the Constitution or an Act of Parliament. This means that the Maputo Protocol is enforceable by both our judiciary (i.e. the courts) and quasi-judicial bodies such as the Ombudsman.

This factsheet looks at access to abortion under Article 14 of the Maputo Protocol

2.c) State Parties shall take all appropriate measures to [p]rotect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother, or the life of the mother or the foetus.





What is the current state of access to abortion in Namibia? What are the challenges in this area?

The Abortion and Sterilization Act of 1975 allows abortion when continuing the pregnancy would put the mother's health (physical and mental) in danger, or where the pregnancy is the result of rape or incest. Even though this echoes the Maputo Protocol, many women who are entitled to a legal abortion are unaware of or unable to go through the complicated process to access a medical abortion. At present, legal abortions are incredibly rare, even though Namibian women and girls deal with high levels of SGBV, without comprehensive sex education (CSE) or easy access to contraceptives. In addition, the Ministry of Education and of Health and Social Services reports staggering teenage pregnancy rates. Challenges include:

- Stigma and lack of information about safe abortion
- Not enough data about abortions in Namibia
- Visiting doctors, the police and a magistrate to get approval for an abortion costs time and money

What is the Namibian government doing to realise access to abortion, including legislation, policy and other methods?

- Legislative measures
Amendments to Namibia's rape legislation are more protective of survivors
The Child Care and Protection Act of 2015, which replaced apartheid era laws, takes into account high levels of child sexual abuse in Namibia
- Institutional measures
In 2022, the first 'victim friendly' GBV court was opened to provide a safe space for survivors to access the justice system without being retraumatized



What can I do if I am not able to access my right to access to abortion?

Right now, there is no formal procedure for people who are unfairly denied a medical abortion. We also don't even know how many people seek abortions, which makes it difficult to know where to improve the system. But you can report unprofessional or improper treatment to:

- The Office of the Ombudsman for complaints about police
- The Secretary of the Magistrates' Commission for complaints about the magistrate
- The Health Professionals Council of Namibia for complaints about medical staff at hospitals or clinics

About Sister Namibia

Sister Namibia has been amplifying women's voices and advocating for gender equality in Namibia since 1989. The organisation has focussed on several causes over the past three decades including addressing sexual and gender-based violence (SGBV) and reproductive justice.